

Application Serial No. 09/734,330
Attorney's Docket No.:10559-382001/P10188/Intel Corporation

Remarks

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1 and 3 stand rejected under 35 USC 103 as allegedly being anticipated by Slavin. This contention is respectfully traversed. Claim 1 requires that the information which is encapsulated is information "indicative of a network condition". Slavin teaches a transmitting data via HTTP. However, nowhere is there any disclosure in Slavin that the data which is transmitted is "information indicative of the network condition" as claimed. Therefore, the reference does not identically disclose every claimed element and therefore the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability. As such, this contention is respectfully traversed.

Claims 2 and 4-24 stand rejected as being obvious over Slavin in view of "Applications of Virtual Private networking...". This contention is also respectfully traversed.

Slavin teaches a system for remote control the local system which sends data over HTTP.

"Applications of Virtual Private Networking..." teaches use of virtual private networking to protect the use of standards-based protocols. Virtual private networking uses a software

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concept known as protocol tunneling, which is explained in the very first line of "Applications of Virtual Private Networking...". Tunneling operates by including packets into new packets "using a different and possibly customized protocol" see page 1251 right column, last full sentence. Those packets have new headers, and are sent over the existing network connection. "Applications of Virtual Private Networking..." describes that the virtual private networking traffic is encrypted and hence unreadable and hence unmodifiable see right column on page 1252. It also describes that this can be used for Internet protocols such as SMTP, HTTP, FTP, and network Time protocol. Page 1254, right column explains that all of the management protocols can be encapsulated within a VPN line formed between a backbone and local site. Again, however, this VPN line is a specialized tunnel, which requires special modification at each end, and special encryption.

The rejection apparently intends to make a hypothetical combination between the VPN line as described in "Applications of Virtual Private Networking...", and the technique described in Slavin which sends data over HTTP. However, with all due respect, a person having ordinary skill in the art would not be able to operatively modify Slavin to use the virtual private networking teachings of the VPN document, and even if so

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modified, it would destroy the primary functionality of VPN which teaches a special kind of protocol that tunnels past a firewall. First of all, note that Slavin teaches using alarm data and other similar kinds of data over HTTP see generally column 5, line 23. There is no teaching or suggestion of how a kind of system such as described by "Applications of Virtual Private Networking..." could be embedded in this system. Doing this would be based entirely on hindsight. The virtual private networking tunneling described in "Applications of Virtual Private Networking..." could not be simply handled as alarm data in Slavin. It is a complete package that relies on its own protocols - not part of HTTP.

Note also that any modification of "Applications of Virtual Private Networking..." to try and fit it within the framework of Slavin would go precisely against the teaching and advantages described in "Applications of Virtual Private Networking...". Note figures 7 and 8, and the way that they describe the interaction between the VPN, and the firewall. Page 1254 left column describes that things like SNMP are generally blocked by the local site's firewall, and that the VPN can be used to allow this to pass the firewall. Encrypting this data into a VPN, would not be done if a hypothetical combination of Slavin with "Applications of Virtual Private Networking..." was made.

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Therefore, this hypothetical combination would destroy one of the intended functionalities of "Applications of Virtual Private Networking...", and therefore would not meet the patent office's burden of providing a prima facie showing of unpatentability.

Therefore, claim 1 should be allowable along with the claims that depend therefrom.

Claim 6 should be specifically allowable as it requires that the HTTP message includes tags indicating the SNMP information. This is in no way taught or suggested by the cited prior art, and should be allowable.

Claim 7 should be allowable for analogous reasons; since the hypothetical combination would not be made by one having ordinary skill in the art, and also even if made, it would teach nothing about encapsulating network information into HTTP protocol. Therefore, claim 7 should be allowable along with the claims that depend therefrom.

Claim 12 has been amended to include the limitations of claim 13 therein, and should be allowable for analogous reasons.

Claim 19 should be allowable for similar reasons to those discussed above.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

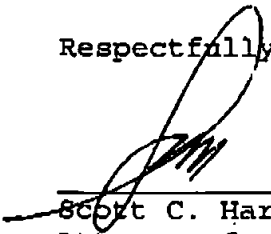
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It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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